

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSEPH B. WHITEFORD and)	
JOHN K. WHITEFORD,)	
)	
Plaintiffs,)	
)	
v.)	02: 07cv0272
)	
PENN HILLS MUNICIPALITY,)	
HOWARD DAVIDSON as an individual,)	
LEONARD J. HROMYAK as an individual,)	
ROBERT C. GALLO as an individual,)	
MICHAEL LETTRICH, ESQ., as an individual))	
MEYER, DARRAGH, BUCKLER,)	
BEBENEK & ECK, P.L.L.C. as a law firm,)	
and DAN PELLEGRINI as an individual,)	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

June 25, 2007

Presently pending before the Court is MOTION FOR RULE 11 SANCTIONS, with brief in support, filed by Defendants Michael Lettrich and Meyer Darragh Buckler Bebenek & Eck, PLLC (*Document Nos. 25 and 26*); the Brief in Opposition filed by Plaintiffs (*Document No. 30*), the Reply Brief filed by Defendants Michael Lettrich and Meyer Darragh Buckler Bebenek & Eck, PLLC (*Document No. 31*).

Defendants argue that Plaintiffs have “violated Federal Rule 11(b)(1), (2), and 3 by filing this lawsuit and their attendant Motion for Temporary Restraining Order as all of plaintiffs’ claims were actively litigated and judicially determined with finality in Pennsylvania state courts, thereby precluding this duplicative lawsuit in federal court,”

While the Court recognizes that Plaintiffs have filed repeated lawsuits all of which stem from the same set of factual occurrences, the Court does not find that Plaintiffs have yet abused the federal court system in a manner that would warrant such an extreme remedy. Therefore, Defendants' request will be denied. However, Plaintiffs are advised and warned that the denial of Defendants' request is not an invitation to continue to file lawsuits against these same defendants which arise out of the same underlying facts.

An appropriate Order follows.

McVerry, J.

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)	
Defendants.)	

ORDER OF COURT

AND NOW, this 25th day of June, 2007, in accordance with the foregoing Memorandum Opinion, it is hereby **ORDERED, ADJUDGED AND DECREED** that the Motion for Rule 11 Sanctions filed by Defendants Michael Lettrich and Meyer Darragh Buckler Bebenek & Eck, PLLC is **DENIED WITHOUT PREJUDICE**.

BY THE COURT:

s/Terrence F. McVerry
United States District Court Judge

cc: Joseph B. Whiteford
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